

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.26834 of 2014

Dr.P.Ravichandran

.. Petitioner

-vs-

1. State of Tamil Nadu  
represented by its Secretary  
Highways Department  
Fort St.George  
Chennai 600 009
  2. The District Collector  
Office of the District Collector  
Kancheepuram District, Kancheepuram
  3. The Asst. Divisional Engineer  
Construction and Maintenance Office  
Chengalpet Sub Division, Highways Department  
Chengalpet, Kancheepuram District
  4. The Tahsildar  
Thirukazhukundram Taluk  
Kancheepuram District
  5. The Executive Officer  
Mamallapuram Town Panchayat  
Mamallapuram (Spl.Grade)  
Kancheepuram District  
(R5 impleaded by order dated 22.12.14  
in M.P.No.3/14 in W.P.No.26834/14)
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice No.73/2014-01/Mamallapuram/A dated 18.08.2014 issued by the third respondent and quash the same and consequently direct the fourth respondent to conduct a geological survey with technically advanced means and measure the property comprised in S.No.123/5A1B and 123/5A2 situated in Mamallapuram Village, Thirukazhukundram Taluk, Kancheepuram District to ascertain the actual property acquired to differentiate the same from that of the petitioner's property.

For Petitioner :: Mr.S.Namonarayanan

For Respondents:: Mrs.A.Srijayanthi  
Special Government Pleader

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

2. The petitioner claims to be the absolute owner of the land and building comprised in S.No.123/5A1B situated in Mamallapuram Village, Thirukazhukundram Taluk, Kancheepuram District measuring an extent of 21 cents and has been in actual possession and enjoyment of the property. While so, it appears that the third respondent has issued the impugned notice in the name of a person who had already sold the property to the petitioner's vendor in the year 1992 itself. The case of the petitioner is that instead of noting the survey number of the land which is acquired, some other survey number was mentioned in the notification but different survey number had been acquired.

3. In this regard, within four weeks, it is for the respondents/authorities to notify the survey number of the land which has been acquired and to delete the survey number which was wrongly shown for acquisition for the Highways. This erratum for correction shall be done at the earliest without any further delay and also on issuing notice to the petitioner in this regard in respect of the property which is acquired and sought to be acquired. The acquisition proceedings shall be completed in respect of the property which is acquired/taken possession under due process of law. The writ petition stands disposed of accordingly. Consequently, M.P.Nos.1 & 2 of 2014 are closed. No costs.

Sd/-

Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government  
Highways Department  
Fort St.George  
Chennai 600 009

2. The District Collector  
Office of the District Collector  
Kancheepuram District  
Kancheepuram

3. The Asst. Divisional Engineer  
Construction and Maintenance Office  
Chengalpet Sub Division, Highways Department  
Chengalpet, Kancheepuram District

4. The Tahsildar  
Thirukazhukundram Taluk  
Kancheepuram District

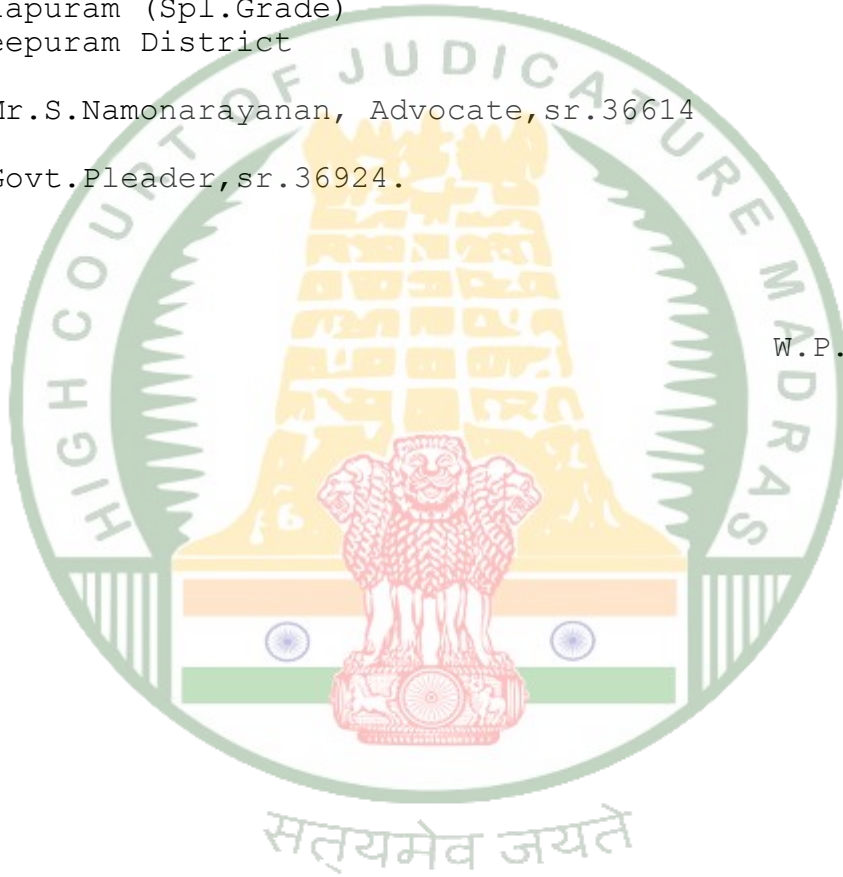
5. The Executive Officer  
Mamallapuram Town Panchayat  
Mamallapuram (Spl.Grade)  
Kancheepuram District

+1 cc to Mr.S.Namonarayanan, Advocate, sr.36614

+1 cc to Govt.Pleader, sr.36924.

ad(co)  
krd 21/7

W.P.No.26834 of 2014



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